

ATTACHMENT 7

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CISCO SYSTEMS, INC. Case No.: 5:14-cv-05344-BLF (PSG)

Plaintiff,

v.

ARISTA NETWORKS, INC.

Defendants.

* HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY *

VIDEOTAPED DEPOSITION OF KIRK LOUGHEED

Palo Alto, California

Monday, April 4, 2016

Volume 2

Reported by:

LESLIE JOHNSON

RPR, CSR No. 11451

Job No.: 2285024

PAGES 190 - 399

Page 190

HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY

1 UNITED STATES DISTRICT COURT	1 I N D E X
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA	2
3 SAN JOSE DIVISION	3 WITNESS EXAMINATION
4	4 KIRK LOUGHEED
5 CISCO SYSTEMS, INC. Case No.: 5:14-cv-05344-BLF(PSG)	5 Volume 2
6 Plaintiff,	6 BY MR. WONG 197
7 v.	7
8 ARISTA NETWORKS, INC.	8 EXHIBITS
9 Defendants.	9 KIRK LOUGHEED
10	10 NUMBER DESCRIPTION PAGE
11	11 Exhibit 452 Copy of name badge; 1 page 198
12	12 Exhibit 453 Black and white copy of photograph; 198
13	13 1 page
14 * HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY *	14 Exhibit 454 Patent Agreement; Bates stamped 208
15	15 KL-00000872 to 891
16	16 Exhibit 455 A Multiple Protocol Kernel for 228
17 VIDEOTAPED DEPOSITION OF KIRK LOUGHEED, Volume 2,	17 Local Area Network Software
18 taken on behalf of Defendant, at 601 California Avenue,	18 Development Reference Manual; Bates
19 Palo Alto, California, beginning at 9:25 a.m. and ending	19 stamped KL-00000001 to 93
20 at 4:37 p.m., on Monday, April 4, 2016, before	20
21 LESLIE JOHNSON, Certified Shorthand Reporter No. 11451.	21 Exhibit 456 Document entitled "Chaosnet"; Bates 238
22	22 stamped KL-00000186 to 250
23	23 Exhibit 457 Document entitled "Debugging 241
24	24 Information"; Bates stamped
25	25 KL-00000564-654
Page 191	26 Exhibit 458 DECnet Digital Network Architecture 244
	27 (Phase V); Bates stamped
	28 KL-00000251 to 380
	29 Exhibit 459 E-mail from Stanford Low Overhead 252
	30 Timesharing; Bates stamped
	31 KL-00001699 to 763
	32
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1	EXHIBITS (Cont.)	1	THE VIDEOGRAPHER: Thank you. Will the
2	KIRK LOUGHEED	2	certified court reporter please swear in the
3	NUMBER DESCRIPTION PAGE	3	witness.
4	Exhibit 472 "cisco.c" source code; 1 page 371	4	
5	Exhibit 473 "stanford.c" source code; 1 page 371	5	KIRK LOUGHEED,
6	Exhibit 474 Source code; Bates stamped 375	6	having been administered an oath, was examined and
7	KL-SC-00000033 to 41	7	testified as follows:
8	Exhibit 475 Source code; Bates stamped 375	8	
9	KL-SC-00000042 to 52	9	EXAMINATION (RESUMED)
10	Exhibit 476 Cisco Systems ASM/AGS User Manual 383	10	BY MR. WONG:
11	and Configuration Guide; Bates	11	Q. Good morning, Mr. Lougheed.
12	stamped CSI-CLI-00358622 to 54	12	A. Good morning.
13	* * *	13	Q. Mr. Lougheed, do you understand that this
14		14	is a continuation of your personal deposition that
15		15	was taken back on November 20th, 2015?
16		16	A. I do.
17		17	Q. And do you understand that you are still
18		18	testifying under oath as if you were testifying at
19		19	trial?
20		20	A. I do.
21		21	Q. And is there any reason why you cannot
22		22	give full and truthful testimony today?
23		23	A. There is no reason.
24		24	Q. And are you generally still familiar with
25		25	the ground rules for a deposition?
Page 195		Page 197	
1	Palo Alto, California, Monday, April 4, 2016	1	A. Yes.
2	9:25 a.m.	2	Q. Okay. Well, I'll just repeat some of the
3		3	more important rules. If you need to take a break
4	THE VIDEOGRAPHER: Good morning. We're on	4	at any time, just let me know. And all I'd ask is
5	the record. The time is 9:25 a.m., and the date is	5	that if there is a question pending, that you answer
6	April 4th, 2016. This begins Volume 2 of the	6	it before we go on the break. Okay?
7	videotaped deposition of Mr. Kirk Lougheed. My name	7	A. (Witness nods head.)
8	is Sean Grant, here with our court reporter, Leslie	8	MR. WONG: Why don't we mark this as the
9	Johnson. We're here from Veritext Legal Solutions	9	first exhibit for today.
10	at the request of counsel for Defendant. This	10	(Exhibit 452 marked for identification.)
11	deposition is being held at Wilson Sonsini in Palo	11	MR. WONG: And we will mark this one as
12	Alto, California. The caption of this case is	12	the next exhibit.
13	"Cisco Systems Inc. versus Arista Networks Inc.,"	13	(Exhibit 453 marked for identification.)
14	Case No. 5:14-cv-05344-BLF.	14	MR. NEUKOM: Ryan, I have two separate
15	Please note that audio and video recording	15	pieces of paper. Are you treating these as two
16	will take place unless all parties have agreed to go	16	separate exhibits?
17	off the record. Microphones are sensitive and may	17	MR. WONG: Yes. I'm going to give them
18	pick up whispers, private conversations or cellular	18	two exhibit numbers and read them into the record in
19	interference.	19	just a second.
20	At this time, will counsel please identify	20	The court reporter has marked as
21	themselves and state whom they represent.	21	Exhibit 452 a photocopy -- photo bearing Bates Nos.
22	MR. WONG: Ryan Wong from Kecker & Van Nest	22	KL-00002202. The court reporter has also marked as
23	for Defendant Arista Networks.	23	Exhibit 453, a black and white photo with Bates Nos.
24	MR. NEUKOM: John Neukom for the plaintiff	24	KL-00002201.
25	and also today for the witness.	25	////
Page 196		Page 198	

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<p>1 A. Let me take a quick scan through this.</p> <p>2 Q. Sure.</p> <p>3 A. Yes. I recognize this file.</p> <p>4 Q. And what is the source code marked as</p> <p>5 Exhibit 470?</p> <p>6 A. It's from the Stanford -- or excuse me.</p> <p>7 It's from the Cisco fork. And it supports the</p> <p>8 loading of a file of configuration commands and the</p> <p>9 parsing of those configuration commands and the</p> <p>10 execution of those configuration commands.</p> <p>11 Q. And in line 4 on the first page of</p> <p>12 Exhibit 470, it again says "June of 1985, Kirk</p> <p>13 Lougheed," correct?</p> <p>14 A. Yes.</p> <p>15 Q. Is that the date that you created the</p> <p>16 config.c file?</p> <p>17 A. That's the date I created the config.c</p> <p>18 file.</p> <p>19 Q. And you worked on the code for Exhibit 470</p> <p>20 between June of 1985 and also in June -- strike</p> <p>21 that.</p> <p>22 When did you work on the source code shown</p> <p>23 in Exhibit 470?</p> <p>24 A. From June of 1985 until -- until I left</p> <p>25 Stanford in July of '86.</p> <p style="text-align: right;">Page 359</p>	<p>1 quotes starting on line 95 of Exhibit 470?</p> <p>2 A. Those are various configuration command</p> <p>3 tokens.</p> <p>4 Q. And so these are words that would be</p> <p>5 accepted by the CLI of the version of the EE-CF</p> <p>6 software that --</p> <p>7 MR. NEUKOM: Objection. Vague.</p> <p>8 MR. WONG: I'm not even done with the</p> <p>9 question, but let me just ask you.</p> <p>10 MR. NEUKOM: That's all right. It was</p> <p>11 vague halfway through.</p> <p>12 BY MR. WONG:</p> <p>13 Q. Let me re-ask the question, Mr. Lougheed.</p> <p>14 How were these various configuration</p> <p>15 command tokens, as you called them, starting on line</p> <p>16 95 of Exhibit 470 used in the EE-CF software?</p> <p>17 MR. NEUKOM: Objection. Vague. Compound.</p> <p>18 THE WITNESS: They were contained in a</p> <p>19 file residing on a network host, and they would be</p> <p>20 downloaded into the router TIP whatnot, parsed and</p> <p>21 executed. They were not interactive commands.</p> <p>22 BY MR. WONG:</p> <p>23 Q. Are any of these configuration commands</p> <p>24 also supported by the Stanford fork of the EE-CF</p> <p>25 software?</p> <p style="text-align: right;">Page 361</p>
<p>1 Q. And some of the source code in here was</p> <p>2 written or modified by you while you were at</p> <p>3 Stanford, correct?</p> <p>4 A. Correct.</p> <p>5 Q. On the page ending in Bates No. 11</p> <p>6 starting at line 94?</p> <p>7 A. Uh-huh.</p> <p>8 Q. There looks to be a list, a</p> <p>9 comma-delimited list of words in quotes.</p> <p>10 Do you see that?</p> <p>11 A. Yes.</p> <p>12 MR. NEUKOM: Sorry. Which page 11?</p> <p>13 MR. WONG: I'm sorry. Page 11 of</p> <p>14 Exhibit 470.</p> <p>15 MR. NEUKOM: The Bates stamp page 11?</p> <p>16 MR. WONG: Yes.</p> <p>17 MR. NEUKOM: Okay.</p> <p>18 BY MR. WONG:</p> <p>19 Q. And we're looking at the line starting at</p> <p>20 around 94, 95.</p> <p>21 So Mr. Lougheed, you see starting at</p> <p>22 around line 95 there is a list of comma-delimited</p> <p>23 words that are in double quotes, correct?</p> <p>24 A. Right.</p> <p>25 Q. What are those words that appear in double</p> <p style="text-align: right;">Page 360</p>	<p>1 A. I would imagine some of them are. I would</p> <p>2 have to refer to the -- this Exhibit 36 to determine</p> <p>3 which ones actually were.</p> <p>4 Q. Okay. But -- so if any of these commands</p> <p>5 were supported by the Stanford fork of the EE-CF</p> <p>6 software, you would expect them to be documented in</p> <p>7 Exhibit 36, correct?</p> <p>8 A. Yes.</p> <p>9 Q. And in Exhibit -- the source code in</p> <p>10 Exhibit 470, is any of the source code in</p> <p>11 Exhibit 470 identical to source code that's in the</p> <p>12 Stanford fork of the EE-CF software?</p> <p>13 MR. NEUKOM: Objection. Vague. Compound.</p> <p>14 And lack of foundation.</p> <p>15 BY MR. WONG:</p> <p>16 [REDACTED]</p> <p>17 [REDACTED]</p> <p>18 [REDACTED]</p> <p>19 [REDACTED]</p> <p>20 [REDACTED]</p> <p>21 [REDACTED]</p> <p>22 [REDACTED]</p> <p>23 [REDACTED]</p> <p>24 [REDACTED]</p> <p>25 [REDACTED]</p> <p style="text-align: right;">Page 362</p>

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Page 363

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Page 365

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Page 364

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Page 366

45 (Pages 363 - 366)

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Page 367

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Page 369

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Page 368

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Page 370

46 (Pages 367 - 370)

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<p>1 [REDACTED]</p> <p>2 [REDACTED]</p> <p>3 [REDACTED]</p> <p>4 [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 [REDACTED]</p> <p>7 [REDACTED]</p> <p>8 [REDACTED]</p> <p>9 [REDACTED]</p> <p>10 [REDACTED]</p> <p>11 [REDACTED]</p> <p>12 [REDACTED]</p> <p>13 [REDACTED]</p> <p>14 [REDACTED]</p> <p>15 [REDACTED]</p> <p>16 [REDACTED]</p> <p>17 MR. WONG: Let's mark these two. This</p> <p>18 will be 472.</p> <p>19 (Exhibit 472 marked for identification.)</p> <p>20 MR. WONG: Oh, sorry. 472.</p> <p>21 And this one will be 473.</p> <p>22 (Exhibit 473 marked for identification.)</p> <p>23 BY MR. WONG:</p> <p>24 Q. The court reporter has marked as</p> <p>25 Exhibit 472 and 473 documents produced to us in a</p> <p style="text-align: right;">Page 371</p>	<p>1 into the code. So you could say -- both of them you</p> <p>2 could look at by saying "show hardware" and see</p> <p>3 what -- see what they were.</p> <p>4 Q. And so what determines whether the Cisco</p> <p>5 copyright notice -- well, strike that.</p> <p>6 Exhibit 473 is not a Cisco copyright</p> <p>7 notice, correct?</p> <p>8 A. Correct. There is no copyright notice</p> <p>9 there.</p> <p>10 Q. Right. It says "Stanford EE-CF</p> <p>11 EtherTIP/Gateway 5.2 (341)"?</p> <p>12 A. Right.</p> <p>13 Q. What determines whether the text shown in</p> <p>14 Exhibit 473 or the text shown in Exhibit 472 gets</p> <p>15 put into the source code?</p> <p>16 A. I believe it depended on which make file</p> <p>17 target I used.</p> <p>18 Q. So am I right that you compile the same</p> <p>19 source code to contain either a Cisco copyright</p> <p>20 notice or a text that says "Stanford EE-CF</p> <p>21 EtherTIP/Gateway" notice?</p> <p>22 A. Yes.</p> <p>23 Q. Why would you have functionality to either</p> <p>24 put a Cisco copyright notice or a label that says</p> <p>25 "Stanford EE-CF EtherTIP/Gateway" label into the</p> <p style="text-align: right;">Page 373</p>
<p>1 single native file, and the control number for both</p> <p>2 Exhibits 472 and 473 is CSI-CLI-01143416.</p> <p>3 Exhibit 472 at the top says "cisco.c." Exhibit 473</p> <p>4 at the top says "stanford.c."</p> <p>5 Mr. Lougheed, do you recognize the</p> <p>6 document marked as Exhibit 472?</p> <p>7 A. Yes, I do.</p> <p>8 Q. And do you recognize the exhibit marked as</p> <p>9 Exhibit 473?</p> <p>10 A. Yes, I do.</p> <p>11 Q. What is the document marked as</p> <p>12 Exhibit 472?</p> <p>13 A. It is a one-line piece of source code that</p> <p>14 was generated every time the source code was</p> <p>15 compiled. And it would include a version name,</p> <p>16 version number in parentheses, an edit number, when</p> <p>17 it was compiled, and a copyright notice.</p> <p>18 We're talking about 472, correct.</p> <p>19 Q. Yes. And Exhibit 472, the copyright</p> <p>20 notice, is a Cisco systems copyright notice,</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. And what is Exhibit 473?</p> <p>24 A. It is, again, one line of code that is</p> <p>25 created when the system is compiled and compiled</p> <p style="text-align: right;">Page 372</p>	<p>1 source code?</p> <p>2 MR. NEUKOM: Just one second. The</p> <p>3 question phrased in the hypothetical asks for</p> <p>4 speculation or opinion testimony.</p> <p>5 MR. WONG: Let me rephrase the question</p> <p>6 then.</p> <p>7 BY MR. WONG:</p> <p>8 Q. Why did you have functionality to either</p> <p>9 put a Cisco copyright notice or a label that says</p> <p>10 Stanford EtherTIP/Gateway into the source code when</p> <p>11 you compiled it?</p> <p>12 MR. NEUKOM: Objection. Lacks foundation.</p> <p>13 THE WITNESS: I needed a way of</p> <p>14 identifying the software through the command-line</p> <p>15 interface, and I don't -- and at one point the</p> <p>16 Stanford.c was the original one, and I created a</p> <p>17 Cisco.c and -- and it didn't delete the Stanford.c</p> <p>18 one from the -- from the Cisco fork.</p> <p>19 MR. NEUKOM: We've, again, been going for</p> <p>20 over an hour. So let's take a break, please.</p> <p>21 THE VIDEOGRAPHER: Going off the record.</p> <p>22 The time is 3:52 p.m.</p> <p>23 (A recess was taken.)</p> <p>24 THE VIDEOGRAPHER: Back on the record.</p> <p>25 The time is 4:01 p.m.</p> <p style="text-align: right;">Page 374</p>

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<p>1 A. Correct.</p> <p>2 Q. Was the source code shown in Exhibit 475,</p> <p>3 the SUMEX source code, used to create the source</p> <p>4 code shown in Exhibit 474?</p> <p>5 A. I believe it was the basis for the code.</p> <p>6 The functions you have pointed out, it appears that</p> <p>7 the Yaeger stuff was the basis for that.</p> <p>8 Q. And you removed any mention of Mr. Yaeger</p> <p>9 in the Cisco fork of the ECF software shown in</p> <p>10 Exhibit 474, correct?</p> <p>11 A. Yes.</p> <p>12 Q. And why did you remove any reference to</p> <p>13 Mr. Yaeger from the Cisco fork of the EE-CF software</p> <p>14 shown in Exhibit 474?</p> <p>15 A. Because I wasn't interested in carrying</p> <p>16 forward his little source code Easter eggs in the</p> <p>17 comments.</p> <p>18 Q. Did you remove references to Mr. Yaeger</p> <p>19 from other portions of the Cisco fork of the EE-CF</p> <p>20 source code?</p> <p>21 MR. NEUKOM: Objection. The document</p> <p>22 speaks for itself. Or best evidence.</p> <p>23 THE WITNESS: I certainly removed that</p> <p>24 comment. I don't remember if I removed any other</p> <p>25 comments.</p> <p style="text-align: right;">Page 379</p>	<p>1 hierarchy of commands that are used in that command</p> <p>2 mode.</p> <p>3 Q. Okay. Well, my question is, did you</p> <p>4 create the "user exec" command mode in Cisco IOS?</p> <p>5 MR. NEUKOM: Objection. Asked and</p> <p>6 answered.</p> <p>7 THE WITNESS: I'm sorry. The question</p> <p>8 again is?</p> <p>9 BY MR. WONG:</p> <p>10 Q. Did you create the "user exec" command</p> <p>11 mode in Cisco IOS?</p> <p>12 MR. NEUKOM: Objection. Asked and</p> <p>13 answered.</p> <p>14 THE WITNESS: I was the person responsible</p> <p>15 for the look and feel of the "exec" command mode.</p> <p>16 BY MR. WONG:</p> <p>17 Q. But when you say "exec" command mode, is</p> <p>18 that the same thing as the "user exec" command mode?</p> <p>19 A. Yes. I think we're talking about the same</p> <p>20 thing.</p> <p>21 Q. I think we are too.</p> <p>22 Is there a "privilege exec" command mode</p> <p>23 in Cisco IOS?</p> <p>24 A. Yes.</p> <p>25 Q. And what is the difference between the</p> <p style="text-align: right;">Page 381</p>
<p>1 BY MR. WONG:</p> <p>2 Q. You can set that aside.</p> <p>3 Mr. Loughheed, after your first deposition,</p> <p>4 Cisco identified you a few days later as the creator</p> <p>5 of the command modes and prompts at issue in this</p> <p>6 litigation. Are you aware of that?</p> <p>7 A. Yes.</p> <p>8 Q. Are you the creator of the command modes</p> <p>9 and prompts at issue in this litigation?</p> <p>10 MR. NEUKOM: Objection. Compound.</p> <p>11 BY MR. WONG:</p> <p>12 Q. Let me go one by one then, Mr. Loughheed.</p> <p>13 A. Okay.</p> <p>14 Q. Are you familiar with the "user exec"</p> <p>15 command mode?</p> <p>16 A. In what piece of software?</p> <p>17 Q. Cisco IOS.</p> <p>18 A. Yes.</p> <p>19 Q. And what is the "user exec" command mode</p> <p>20 in Cisco IOS?</p> <p>21 A. It's the set of interactive commands for</p> <p>22 maintaining and monitoring the software.</p> <p>23 Q. And did you create the "user exec" command</p> <p>24 mode in Cisco IOS?</p> <p>25 A. I created many of the commands and the</p> <p style="text-align: right;">Page 380</p>	<p>1 "privilege exec" command mode in Cisco IOS and the</p> <p>2 "user exec" command mode in Cisco IOS?</p> <p>3 A. The one is a subset of the other.</p> <p>4 Q. Which one is a subset of the other?</p> <p>5 A. The "user" command mode.</p> <p>6 Q. And are you the creator of the "privilege</p> <p>7 exec" command mode in Cisco IOS?</p> <p>8 A. I base that ultimately on Mr. Yaeger's</p> <p>9 work.</p> <p>10 Q. Is that the end of your answer?</p> <p>11 A. Yes.</p> <p>12 Q. I just wanted to make sure that you</p> <p>13 weren't going to say something else.</p> <p>14 A. Okay.</p> <p>15 Q. Is there a "global configuration" command</p> <p>16 mode in Cisco IOS?</p> <p>17 A. Yes.</p> <p>18 Q. What is the "global configuration" command</p> <p>19 mode in Cisco IOS?</p> <p>20 A. It's a set of configuration commands that</p> <p>21 apply to the entire box.</p> <p>22 Q. And did you create the "global</p> <p>23 configuration" command mode in Cisco IOS?</p> <p>24 A. Yes.</p> <p>25 Q. When did you create the "global</p> <p style="text-align: right;">Page 382</p>


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<p>1 configuration" command mode in Cisco IOS?</p> <p>2 A. In the 1985, 1986 time frame.</p> <p>3 Q. And why do you say the 1985, 1986 time</p> <p>4 frame?</p> <p>5 A. Because that's -- I don't have any further</p> <p>6 precision.</p> <p>7 Q. Let's mark this as the next exhibit. I'm</p> <p>8 sorry. What number are we on?</p> <p>9 THE REPORTER: 476.</p> <p>10 (Exhibit 476 marked for identification.)</p> <p>11 BY MR. WONG:</p> <p>12 Q. The court reporter has marked Exhibit 476</p> <p>13 a document bearing control numbers CSI-CLI-00358622</p> <p>14 to 358654.</p> <p>15 Mr. Lougheed, before I ask you about this</p> <p>16 document, this is a document that Cisco has</p> <p>17 identified to Arista as the first documentation of</p> <p>18 the command modes and prompts at issue in this case.</p> <p>19 So you know, whether that's true or not, I don't</p> <p>20 know, but I'm just representing to you that that is</p> <p>21 what Cisco has represented to us in discovery.</p> <p>22 Can you please take a look at Exhibit 476</p> <p>23 and let me know if you recognize Exhibit 476.</p> <p>24 A. Yes. I recognize it.</p> <p>25 Q. And what is Exhibit 476?</p> <p style="text-align: right;">Page 383</p>	<p>1 BY MR. WONG:</p> <p>2 Q. I'll go one by one then.</p> <p>3 Mr. Lougheed, do you --</p> <p>4 MR. NEUKOM: Why? I don't mean to be a</p> <p>5 pain, but it's 4:20 in the afternoon. This witness</p> <p>6 is on his second day of deposition. If it's in</p> <p>7 there, you can show it at trial. If it is or it</p> <p>8 isn't, we're keeping Mr. Lougheed here so that you</p> <p>9 can walk him through to have him admit the contents</p> <p>10 of a document or not.</p> <p>11 MR. WONG: Okay.</p> <p>12 MR. NEUKOM: It just seems a little bit of</p> <p>13 a pain for this witness who is being very</p> <p>14 cooperative.</p> <p>15 MR. WONG: Let's move on to the "interface</p> <p>16 configuration" command mode.</p> <p>17 BY MR. WONG:</p> <p>18 Q. Mr. Lougheed, do you know what the</p> <p>19 "interface configuration" command mode is?</p> <p>20 A. Yes.</p> <p>21 Q. What is the "interface configuration"</p> <p>22 command mode?</p> <p>23 A. It is a -- it's a mode entered by the --</p> <p>24 starts out with the command interface, specifies the</p> <p>25 name of the interface, and then on subsequent lines</p> <p style="text-align: right;">Page 385</p>
<p>1 A. It's the first -- it's the first user</p> <p>2 manual for the Cisco software.</p> <p>3 Q. Okay. And was the user manual in --</p> <p>4 strike that.</p> <p>5 So this -- Exhibit 476 says "Version 5.2,"</p> <p>6 correct?</p> <p>7 A. Correct.</p> <p>8 Q. Was that the first version of Cisco's</p> <p>9 ASM/AGS software that was sold to the public?</p> <p>10 A. Yes.</p> <p>11 Q. And was the user manual and configuration</p> <p>12 guide for the Cisco Systems ASM/AGS marked here as</p> <p>13 Exhibit 476 provided to customers of Cisco?</p> <p>14 MR. NEUKOM: Objection. Lack of</p> <p>15 foundation.</p> <p>16 THE WITNESS: We shipped a copy with each</p> <p>17 of the earlier units.</p> <p>18 BY MR. WONG:</p> <p>19 Q. And you know that from personal knowledge?</p> <p>20 A. Yes.</p> <p>21 Q. Do you agree, Mr. Lougheed, that the</p> <p>22 command modes that we have been discussing today are</p> <p>23 documented in Exhibit 476?</p> <p>24 MR. NEUKOM: Objection. The document</p> <p>25 speaks for itself. And objection, compound.</p> <p style="text-align: right;">Page 384</p>	<p>1 there are subcommands that refer to the -- there are</p> <p>2 subsequent configuration commands that use that</p> <p>3 first interface as a reference to what -- what</p> <p>4 interface is actually being configured.</p> <p>5 Q. And we're talking about the "interface</p> <p>6 configuration" command mode in Cisco IOS?</p> <p>7 A. In the current Cisco IOS, yes.</p> <p>8 Q. And are you the creator of the "interface</p> <p>9 configuration" command mode in Cisco IOS?</p> <p>10 A. Yes.</p> <p>11 Q. And when was that created?</p> <p>12 A. After I left Stanford.</p> <p>13 Q. Do you know approximately when in terms of</p> <p>14 the year that you created the "interface</p> <p>15 configuration" command mode?</p> <p>16 A. '86, early '87.</p> <p>17 Q. What's the command prompt for the</p> <p>18 "interface configuration" command mode in Cisco IOS?</p> <p>19 A. I don't remember what the modern one is.</p> <p>20 There was none in the early versions.</p> <p>21 Q. And what was the command prompt for the</p> <p>22 "exec" or "user exec" command mode for Cisco IOS?</p> <p>23 A. The name of the host. If it didn't -- if</p> <p>24 there was -- either gateway angle bracket, which was</p> <p>25 the default, or if it could figure out its host</p> <p style="text-align: right;">Page 386</p>

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<p>1 name, it would have the host name and an angle 2 bracket. 3 Q. And was the angle bracket also the prompt 4 used -- strike that. 5 Was the angle bracket also a prompt used 6 in the EE-CF software at Stanford? 7 A. Yes. 8 Q. Do you know if the angle bracket was used 9 in the SUMEX software at Stanford? 10 A. I don't recall. 11 Q. If you open up Exhibit 36, Mr. Lougheed. 12 A. Okay. 36? 13 Q. Yes, Exhibit 36. It's a manual. It's the 14 manual we were just looking at. Or actually not. 15 It's a different manual. 16 A. No. It documents -- no. They're 17 different manuals. 18 Q. Yes. I'm sorry. If you have Exhibit 36, 19 that's fine. 20 A. Yes, I've got it. 21 Q. But I meant Exhibit 476. I'm confusing 22 myself now. 23 A. Okay. 24 Q. If you turn to page 2 of Exhibit 476. Let 25 me know when you're there.</p> <p style="text-align: right;">Page 387</p>	<p>1 A. Yes. 2 Q. Now, the next line says, "Sierra is the 3 name of the time-sharing computer." 4 Do you see that? 5 A. Yes. 6 Q. That Sierra is referring to the same 7 Sierra that's used at Stanford, correct? 8 A. In this context, Sierra is referring to a 9 generic time-sharing computer. 10 Q. Can you open up Exhibit 36, please, 11 Mr. Lougheed? And you can stay on that page of 12 Exhibit 476. But if you open up Exhibit 36 to 13 page 2. And the control number at the bottom is 14 CSI-CLI-01315527. Let me know when you're there. 15 A. I'm there. 16 Q. Under section 2-1, "Basic Ethertip Use," 17 do you see where I'm looking? 18 A. Uh-huh. 19 Q. It says, "To get the attention of the 20 EtherTIP's command processor, you must press the 21 return key. A message may be printed out, followed 22 by the EtherTIP's name. The EtherTIP is then ready 23 to accept commands. See Figure 2-1. Words in 24 boldface are typed by the user; normal type is 25 printed by the EtherTIP; and italics are comments."</p> <p style="text-align: right;">Page 389</p>
<p>1 A. Page 2 as in the documents, internal 2 documents? 3 Q. Yes. I'm sorry. And the control number at 4 the bottom of page 2 of Exhibit 476 is CSI-CLI 5 00358625. Are you there? 6 A. I'm there. 7 Q. Do you see a section called "2.1 Basic ASM 8 Use"? 9 A. Yes, I see that section. 10 Q. And the first sentence there says, "To get 11 the attention of the ASM's command processor, you 12 must press the return key." 13 Did I read that correctly? 14 A. Yes. 15 Q. The next sentence says, "A message must be 16 printed out, followed by the ASM's host name." 17 Did I read that correctly? 18 MR. NEUKOM: We'll stipulate to that. 19 BY MR. WONG: 20 Q. And the rest of the paragraph reads, "The 21 ASM is then ready to accept commands. See Figure 22 2-1. Words in boldface are typed by the user; 23 normal type is printed by the ASM; and italics are 24 comments." 25 Did I read that correctly?</p> <p style="text-align: right;">Page 388</p>	<p>1 Do you see that? 2 A. Yes. 3 Q. Now, that sounds like the same text that's 4 in section 2.1 of the Cisco Systems ASM/AGS User 5 Manual and Configuration Guide marked as 6 Exhibit 476. Is that right? 7 MR. NEUKOM: Objection. Mischaracterizes 8 the document. 9 THE WITNESS: Ask the question again. I'm 10 sorry. 11 BY MR. WONG: 12 Q. The text that appears in the first 13 paragraph under section 2.1 of the Stanford EtherTIP 14 User Guide marked as Exhibit 36 is substantially the 15 same as the text that appears under section 2.1 of 16 the Cisco Systems ASM/AGS User Manual marked as 17 Exhibit 476; isn't that right? 18 MR. NEUKOM: Objection. Documents speak 19 for themselves. 20 THE WITNESS: I agree with your 21 observation. 22 BY MR. WONG: 23 Q. You agree with whose observation? 24 A. I was trying to answer your question. 25 Q. Oh. Thank you, Mr. Lougheed.</p> <p style="text-align: right;">Page 390</p>

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<p>1 REPORTER'S CERTIFICATION</p> <p>2 I, Leslie Johnson, a Certified Shorthand</p> <p>3 Reporter of the State of California, do hereby certify:</p> <p>4 That the foregoing proceedings were taken</p> <p>5 before me at the time and place herein set forth; that</p> <p>6 any witnesses in the foregoing proceedings, prior to</p> <p>7 testifying, were administered an oath; that a record of</p> <p>8 the proceedings was made by me using machine shorthand</p> <p>9 which was thereafter transcribed under my direction;</p> <p>10 that the foregoing transcript is a true record of the</p> <p>11 testimony given.</p> <p>12 Further, that if the foregoing pertains to</p> <p>13 the original transcript of a deposition in a Federal</p> <p>14 Case, before completion of the proceedings, review</p> <p>15 of the transcript [] was [] was not requested.</p> <p>16 I further certify I am neither financially interested in</p> <p>17 the action nor a relative or employee of any attorney or</p> <p>18 any party to this action.</p> <p>19 IN WITNESS WHEREOF, I have this date</p> <p>20 subscribed my name.</p> <p>21 Dated: April 19, 2016</p> <p>22</p> <p>23 </p> <p>24 LESLIE JOHNSON</p> <p>25 CSR No. 11451, RPR, CCRR</p> <p>Page 399</p>	